

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 453 of 2011

Thursday, this the 01st day of December, 2011

CORAM:

**Hon'ble Justice Mr. P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member**

C.N. Safiyabi, TGT (Trained Graduate Teacher),
Aged 42 years, D/o. Muthukoya,
Cheriyannallal House, Kalpeni Island,
Union Territory of Lakshadweep,
Kavaratti.

..... **Applicant**

(By Advocate – Mr. C. Khalid)

V e r s u s

1. The Director of Education, Directorate of Education,
Kavaratti – 682 555.
2. The Secretary of Education, Kavaratti Island,
Kavaratti – 682 555.
3. Smt. P. Hajarommabi, Trained Graduate Teacher,
GSSS, Kavaratti.
4. Smt. E. Suharabi, W/o. K.I.N. Muhammed Koya,
Edanilayam, Kavaratti, Kalpeni
(Kakke IIIam Nalakkam).

..... **Respondents**

(By Advocate – Mr. S. Radhakrishnan)

This application having been heard on 21.11.2011, the Tribunal on
01-12-11 delivered the following:

ORDER

Hon'ble Mr. K. George Joseph, Administrative Member -

This O.A has been filed by the applicant with a prayer to set aside
Annexure A-1 order F.No. 18/1/2009-Edn/Estt(2)/965 dated 30.03.2001

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promoting 3 Trained Graduate Teacher (TGT) as Post Graduate Teacher (PGT) (English) on regular basis and Annexure A-2 order dated 30.03.2011 promoting Smt. E. Suhrabi, TGT as PGT (English) and also for a direction to the respondent Nos. 1 and 2 to appoint the applicant to the 4th vacant post with consequential benefits.

2. The applicant is working as TGT (Biology) at Government Senior Secondary School, Amini, since 14.10.1993. She has passed M.A. (English) in 2009. She had submitted to the Headmaster, Government Senior Secondary School, Amini, all relevant documents for consideration for promotion as PGT (English) on 22.02.2010. The applicant is senior to Smt. E. Suhrabi.

3. The applicant submits that non inclusion of her name in the select list of the candidates for promotion to the post of PGT (English) on regular basis despite her higher qualification and longer service is illegal, improper and discriminatory.

4. The respondents in their reply statement submitted that for promotion to the post of PGT (English), the DPC met on 11.03.2011 and considered the case of Smt. E. Suhrabi for promotion against a newly created post of PGT (English). The applicant who was TGT in Biology did not have post graduate degree in English at the time of sitting of DPC on 15.04.2010 for promotion to the post of PGT and the DPC held on 11.03.2011 considered the panel list prepared for the meeting of the DPC on 15.04.2010. She is the next senior most incumbent having post graduation in English and her case will be

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considered as and when vacancy arises in the promotion quota in the grade of PGT (English).

5. In the rejoinder, the applicant submitted that Smt. E. Suhrabi had qualified for the post of PGT (English) only in the year 2011. Smt. E. Suhrabi joined the service only on 16.12.1997. The applicant, who is senior to Smt. E. Suhrabi in service, had acquired post graduation in English 2 years earlier than she.

6. We have heard Mr. C. Khalid, learned counsel for the applicant and Mr. S. Radhakrishnan, learned counsel appearing for respondents No. 1 and 2 and perused the records.

7. In spite of having been served with notice, Smt. E. Suhrabi, the 4th respondent has not filed any reply statement.

8. Facts as submitted by the applicant that she had acquired the post graduation degree in English in the year 2009 and that she joined the service as TGT on 14.10.1993 are not disputed by the respondents. Smt. E. Suhrabi joined the service on 16.12.1997 and acquired post graduation degree in English in the year 2011. These submissions made by the applicant are also not disputed by the respondents. From the available facts, it is evident that the applicant is senior to Smt. E. Suhrabi and had acquired post graduation degree 2 years earlier than she. The applicant also submitted that she had informed the Headmaster, Government Senior Secondary School, Amini, on 20.02.2010 that she had passed M.A. (English). The respondents have not

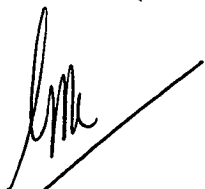


disputed this fact also. In the light of the above facts, the contention of the respondents that the applicant did not possess the post graduation degree in English at the time of sitting of DPC on 15.04.2010 does not appear to be factually correct. The submission that the applicant's name has not figured in the DPC proceedings held on 15.04.2010 as she acquired the post graduation in English on a subsequent date is not maintainable in view of the fact as above. Non inclusion of the applicant who was eligible for consideration for promotion to the post of PGT (English) is arbitrary and illegal.

9. The respondents should hold a meeting of the review DPC to consider the case of the applicant for promotion to the post of PGT (English). If she is found fit for promotion by the DPC she should be promoted with effect from 30.03.2011, the date on which Smt. Suhrabi had been promoted as PGT (English), if necessary, reverting her. If there is any vacancy available, Smt. E. Suhrabi may be accommodated. Ordered accordingly: Appropriate consequential orders should be issued within a period of sixty days from the date of receipt of a copy of this order.

10. The O.A is allowed as above with no order as to costs.

(Dated, the 1st December, 2011)



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

cvr.